

COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, March 23rd, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

March 18, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 7308 Alameda Avenue (Rep. District #3)

Scheduling a public hearing to be held on April 27th, 2004 to determine if the property located at 7308 Alameda Avenue in the City of El Paso (Legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of record as of January 23rd, 2004, Hector and Martha G. Hernandez, 9455 Viscount Blvd., Apt. #529, El Paso, Texas 79925-7022, have been notified of the violations at this property. District #3

CITY OF EL PASO DEPARTMENT
2004 MAR 16 PM 1 53

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 27th day of April, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 7308 Alameda Avenue, in El Paso, Texas, which property is more particularly described as:

Tract: 18C2, Block 24, Ysleta Grant

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Hector and Martha G. Hernandez (Owners), 7308 Alameda Avenue, El Paso, Texas 79915, and Hector R. and Martha G. Hernandez, 9455 Viscount Blvd., Apt. #529, El Paso, Texas 79925-7022, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

JOE WARDY
MAYOR



COPY

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
November 20, 2003

Hector R. & Martha Hernandez
9455 Viscount Blvd., Apt. #529
El Paso, Texas 79925-7022

Re: 7308 Alameda Avenue
Tract: 18-C
Blk: 24, Ysleta
Tract: 18-C-2
Blk: 24, Ysleta
Tract: 18-C-3
Blk: 24, Ysleta
Zoned: C-4
COD02-22782
Certified Mail Receipt #
7003 1010 0004 5306 6004

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or

7308 Alameda Avenue

- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- c. Boarded up, fenced, or otherwise secured in any manner in if:
 - i. The building constitutes a danger to the public even though secured entry, or
 - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 7308 Alameda Avenue has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

7308 Alameda Avenue

If you have any plans, reports or current permits which pertain to the property, you must submit them prior to this hearing to Building Permits and Inspections or bring them to Council Chambers the day of the hearing. Without these documents, no extensions of the deadlines can be granted.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

A handwritten signature in black ink, appearing to read "Wayne Fannin". The signature is fluid and cursive, with a large initial "W" and a long, sweeping underline.

Wayne Fannin
Building Inspector

WF/rl

7003 1010 0004 5306 6004

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	NOV 24 2003

Postmark
Here

Hector R. & Martha Hernandez
 9455 Viscount Blvd., Apt. #529
 El Paso, Texas 79925-7022
 Re: 7308 Alameda Avenue

PS Form 3800, June 2002

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: **WF**

Hector R. & Martha Hernandez
 9455 Viscount Blvd., Apt. #529
 El Paso, Texas 79925-7022
 Re: 7308 Alameda Avenue

2. Article Number
 (Transfer from service label)

7003 1010 0004 5306 6004

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee
Hector Hernandez

B. Received by (Printed Name) **Hector Hernandez** C. Date of Delivery **11-28-03**

D. Is delivery address different from Item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

Tidemark Advantage

File Edit Settings Window Help

Code Enforcement 11/18/2003 WBF

Name: MYRNA DEL BOYER Updated: 11/18/2003 WBF

Address: 7306 ALAMEDA AVE REAR

Description: Master # COD02-22782 Project:

Apt. # - Roof leaks, other housing code violations

Activity for COD02-22782

Description	Master Code	Date1	Date2	Date3	Rep	Done By	Notes
Complaint Received	A0010			12/19/2002		RL	
Enforcement Inv Report AS				12/19/2002			
Enforcement Inv Report AS				12/31/2002			

Refer to File: 00001 12/01/2003 12/31/2003 01/31/2004 00001 00001 THERE ARE SEVERAL

View / Edit Activity

Activity: 0040 Desc: Refer to Fire Updated: 3/15/2004 WBF

Disposition: DONE Hold Level: No hold

Date:

Date Received: 12/2/2003 Calendar Tag: FDCM

Date Received: 12/2/2003 Report Tag:

Date Completed: 1/29/2004 Assigned To: 933

Done By: 933

Notes:

COMMERCIAL STRUCTURES. THESE STRUCTURES ARE A LIFE, HEALTH, AND SAFETY HAZARD. THESE STRUCTURES SHOULD BE SECURED UNTIL DEMOLITION OR NEEDED REPAIRS CAN BE CARRIED OUT.

X-Coordinate:

Y-Coordinate:

Buttons: Stop Off, Date 2, OK, Help, Cancel

Windows: Start, Tidemark Ad, Inbox - Microso..., Kili Rd. 315 (Fr..., Document3, 8:28 AM

THERE ARE SEVRAL STRUCTURES AT THIS LOCATION. THERE IS A MIXTURE OF COMMERCIAL AND RESIDENTIAL STRUCTURES. FIRE DEPARTMENT ACCESS TO REAR PORTION IS INDEQUATE. REAR STRUCTURES ARE NOT WITHIN HYDRANT DISTANCE STANDARDS. ALL STRUCTURES ARE POORLY MAINTAINED. THERE ARE SOME MAKESHIFT STRUCTURES, ONE OF THEM APPEARS TO BE A PAINT BOOTH AND IT DOES NOT HAVE A REQUIRED EXTINGUISHING SYSTEM. FIRE DEPARTMENT HAS NO RECORD OF REQUIRED OPERATIONAL PERMITS FOR THE COMMERTIAL STRUCTURES. THESE STRUCTURES ARE A LIFE, HEALTH, AND SAFETY HAZARD. THESE STUCTURES SHOULD BE SECURED UNTIL DEMOLITION OR NEEDED REPAIRS CAN BE CARRIED OUT.

EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT

ENVIRONMENTAL HEALTH

M E M O R A N D U M

DATE: December 4, 2003

MEMO TO: Tom McGuire, Housing Compliance Supervisor

FROM: Jorge Ramirez, Sr. Environmental Health Inspector *JR*

SUBJECT: Condemnation Report

RE: 7308 Alameda Ave. 79915

An inspection of the property was conducted on December 4, 2003 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA:
N/A

SECTION 9.04.340 - ACCUMULATIONS:
Of trash and several junk vehicles were seen.

SECTION 9.16 - NUISANCE:
N/A

SECTION 9.16.010 - DESIGNATED:
N/A

SECTION 9.28 - RAT CONTROL:
The property consists of several apartments, business and mobile homes. The structures are decaying. Evidence of a cockroach problem was seen.

If you require additional assistance on this matter, please call me at (915) 860-2378 or Fax (915) 860-1081.

Title 17 HOUSING

Chapter 17.12 TRAILER COURTS

17.12.120 Parking trailers outside courts.

A. No person shall park, place, locate or keep any housetrailer, being used for habitation, on any street, alley or sidewalk, or on any private property, for more than three hours, except in a trailer court licensed under this chapter. The three-hour limitation in this section does not abrogate any shorter limitation on, or any prohibition against, stopping or parking any vehicle, as imposed under the traffic regulations or any other law or ordinance.

B. A trailer which is not being used for habitation, but is being used for any other purpose (except storing property therein) and is parked or kept elsewhere than in a licensed trailer court, shall comply with all requirements of the zoning ordinance and the building code which would be applicable if the trailer were a building or structure used for that purpose. This requirement does not apply if the trailer is on wheels and legally parked as a vehicle in a public street or alley.

C. A trailer which is not being used for any purpose, except the storage of property therein, may be kept or parked in any place where a vehicle could legally be kept or parked.

D. No person shall keep or park a housetrailer in violation of this section. (Prior code § 13-36)

NOTICE OF PUBLIC HEARING

To All Interested Parties:

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If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

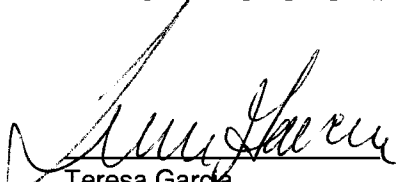
That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.


Adopted this 23rd day of March, 2004.

ATTEST:

APPROVED AS TO FORM:


Teresa Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:


R. Alan Shubert, P. E.
Building Permits and Inspections Director